

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Johnston et al )  
 )  
 For: Carbon Monoxide and Smoke )  
 Detection Apparatus )  
 )  
 Serial No.: Continuation of 10/008,671 )  
 )  
 Filed: July 25, 2003 10/628092 )  
 )  
 Examiner: Not assigned )  
 )  
 Art Unit: Not assigned )  
 )  
 Docket No. BRK-P-0393/90247 )

**PETITION TO MAKE SPECIAL PURSUANT TO 37 CFR § 1.102**

Mail Stop Patent Application  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

Applicants hereby petition that the above-identified new Continuation Application be made special in view of actual infringement. The necessary fee is attached.

The undersigned hereby states:

1. There is an infringing device actually on the market;
2. The undersigned has made a rigid comparison of the infringing device with the pending claims of the application. In his opinion, some of the claims are unquestionably infringed;
3. The undersigned has a good knowledge of the pertinent prior art arising out of searches of the prior art conducted by the US Patent Office in connection with parent application, application No. 09/058,467, now US Patent 6,426,703 B1 as well as additional prior art submitted by the Applicants therein. Concurrently filed herewith is an Information Disclosure Statement calling to the attention of the Patent Office such pertinent prior art. It is believed that

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the prior art corresponding to previously conducted searches and that additionally submitted by the Applicants complies with Section 708.02 MPEP, part II (C) pertaining to infringement.

Granting of this Petition is respectfully requested and advancement of the application for examination are respectfully requested.

Respectfully submitted,

WELSH & KATZ, LTD.

BY: 

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**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Larg Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
8365/90247; BRK 0393

Total Pages in this Submission  
111

**TO THE COMMISSIONER FOR PATENTS**

Mail Stop Patent Application  
P.O. Box 1450  
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**Carbon Monoxide and Smoke Detection Apparatus**

and invented by:

**Derek Scott Johnston and Vincent J. Delia**

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 10/008,671

Which is a:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 09/058,467

Which is a: utility which claims the filing date of provisional

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: 60/055,009

Enclosed are:

**Application Elements**

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having 49 pages and including the following:
  - a. ☒ Descriptive Title of the Invention
  - b. ☒ Cross References to Related Applications (if applicable)
  - c. ☐ Statement Regarding Federally-sponsored Research/Development (if applicable)
  - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
  - e. ☒ Background of the Invention
  - f. ☒ Brief Summary of the Invention
  - g. ☒ Brief Description of the Drawings (if filed)
  - h. ☒ Detailed Description
  - i. ☒ Claim(s) as Classified Below
  - j. ☒ Abstract of the Disclosure